

## NOMINATION OF AMUL R. THAPAR

Mr. LEAHY. Mr. President, the Senate continues, as we have all year, to make progress filling judicial vacancies by considering yet another nomination reported out of committee this month. The nomination before us today for a lifetime appointment to the Federal bench is Amul R. Thapar, to the Eastern District of Kentucky. He has the support of both home State Senators. I acknowledge the support of Senators MCCONNELL and BUNNING, and want to thank Senator WHITEHOUSE for chairing the hearing on this nomination.

In November, the Judiciary Committee reached a milestone by voting to report our 40th judicial nominee this year. That exceeds the totals reported in each of the previous 2 years, when a Republican-led Judiciary Committee was considering this President's nominees.

I am delighted to promptly consider the nomination of Mr. Thapar. The National Asian Pacific American Bar Association wrote to us in support of his nomination, which is the first of a South Asian American to be an Article III judge by this President. When confirmed, he would become only the seventh Asian Pacific American Article III judge in our Nation's history.

Amul R. Thapar is the U.S. Attorney for the Eastern District of Kentucky in Lexington, KY. Before that, he served as an Assistant U.S. Attorney in the Southern District of Ohio and in the District of Columbia. He worked in private practice at the law firms of Squire, Sanders & Dempsey and Williams & Connolly LLP and worked as a general counsel for Equalfooting.com. Mr. Thapar served as a law clerk for Judge Nathaniel R. Jones on the U.S. Court of Appeals for the Sixth Circuit and for Judge S. Arthur Spiegel on the District Court for the Southern District of Ohio. He graduated from Boston College and the University of California, Berkeley Boalt Hall School of Law.

When we confirm the nomination we consider today, the Senate will have confirmed 37 nominations for lifetime appointments to the Federal bench this session alone. That exceeds the totals confirmed in all of 2004, 2005, and 2006 when a Republican-led Senate was considering this President's nominees; all of 1989; all of 1993, when a Democratic-led Senate was considering President Clinton's nominees; all of 1997 and 1999, when a Republican-led Senate was considering President Clinton's nominees; and all of 1996, when the Republican-led Senate did not confirm a single one of President Clinton's circuit nominees.

When this nomination is confirmed, the Senate will have confirmed 137 total Federal judicial nominees in my tenure as Judiciary chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year

tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts will list 45 judicial vacancies and 14 circuit court vacancies after today's confirmations. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican-controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional vacancies that arose at the beginning of the 110th Congress and throughout this year, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee. They are almost half of what they were at the end of President Clinton's term, when Republican pocket filibusters allowed judicial vacancies to rise above 100 before settling at 80. Twenty-six of them were for circuit courts.

When the President consults and sends the Senate well-qualified, consensus nominations, we can work together and continue to make progress as we are today.

I congratulate the nominee and his family on his confirmation today.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

UNANIMOUS CONSENT  
AGREEMENT—S. 2338

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate may proceed to the consideration of Calendar No. 481, S. 2338, at a time to be determined by the majority leader following consultation with the Republican leader, and that when the bill is considered, it be considered under the following limitations: that the only first-degree amendments in order be the following, and that the time for debate for the Coburn amendment be limited to 60 minutes equally divided and controlled in the usual form; that there be 30 minutes of general debate on the bill equally divided and controlled; Dodd-Shelby amendment relating to a moratorium; Coburn amendment relating to reverse mortgages; that upon the use or yielding back of all time, the disposition of all amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BREAST CANCER STAMP  
REAUTHORIZATION

Mr. HARKIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 597, Breast Cancer Stamp Reauthorization.

The PRESIDING OFFICER laid before the Senate the following message:

S. 597

*Resolved*, That the bill from the Senate (S. 597) entitled "An Act to extend the special postage stamp for breast cancer research for 4 years", do pass with the following amendments:

Strike out all after the enacting clause and insert:

## SECTION 1. EXTENSION OF AUTHORITY.

Section 414(h) of title 39, United States Code, is amended by striking "2007" and inserting "2011".

## SEC. 2. REPORTING REQUIREMENTS.

The National Institutes of Health and the Department of Defense shall each submit to Congress and the Government Accountability Office an annual report concerning the use of any amounts that it received under section 414(c) of title 39, United States Code, including a description of any significant advances or accomplishments, during the year covered by the report, that were funded, in whole or in part, with such amounts.

Amend the title so as to read: "An Act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research."

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate concur in the House amendments and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING THE C. CLYDE  
ATKINS U.S. COURTHOUSE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 2671 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2671) to designate the United States Court House located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins U.S. Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2671) was ordered to a third reading, was read the third time, and passed.

## CHIMPANZEE SANCTUARY ACT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 1916.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1916) to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Chimp Haven is Home Act".*

#### SEC. 2. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES; TERMINATION OF AUTHORITY FOR REMOVAL FROM SYSTEM FOR RESEARCH PURPOSES.

(a) IN GENERAL.—The first section 481C of the Public Health Service Act (42 U.S.C. 287a–3a) (added by section 2 of Public Law 106–551) is amended in subsection (d)—

(1) in paragraph (2), in subparagraph (J), by striking "If any chimpanzee is removed" and all that follows; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by striking "except as provided" in the matter preceding clause (i) and all that follows through "behavioral studies" and inserting the following: "except that the chimpanzee may be used for noninvasive behavioral studies";

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as so redesignated), by striking "under subparagraphs (A) and (B)" and inserting "under subparagraph (A)".

(b) TECHNICAL CORRECTION.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by redesignating the second section 481C (added by section 204(a) of Public Law 106–505) as section 481D.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee-reported amendment be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1916), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1916

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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#### RECOGNIZING THE LIFE AND CONTRIBUTIONS OF HENRY JOHN HYDE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 405, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 405) recognizing the life and contributions of Henry John Hyde.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 405) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 405

Whereas Representative Henry John Hyde of Illinois was born in Chicago, Cook County, Illinois, on April 18, 1924;

Whereas Henry Hyde excelled as a student both at Georgetown University, at which he helped take the Hoyas basketball team to the National Collegiate Athletic Association semifinals in 1943 and from which he graduated with a bachelor of science degree in 1947, and at Loyola University Chicago School of Law, from which he graduated in 1949;

Whereas Henry Hyde served his country for his entire adult life, as an officer of the United States Navy from 1944 to 1946, where he served in combat in the Philippines during World War II, in the United States Navy Reserve from 1946 to 1968, from which he retired at the rank of Commander, as a member of the Illinois House of Representatives from 1967 to 1974 and Majority Leader of that body from 1971 to 1972, as a delegate to the Illinois Republican State Conventions from 1958 to 1974, and as a Republican Member of the United States House of Representatives for 16 Congresses, over 3 decades from January 3, 1975, to January 3, 2007;

Whereas Henry Hyde served as the Ranking Member on the Select Committee on Intelligence of the House of Representatives from 1985 to 1991, in the 99th through 101st Congresses, and as chairman of the Committee on the Judiciary of the House of Representatives from the 104th through 106th Congresses and the Committee on International Relations from the 107th through 109th Congresses;

Whereas, in his capacity as a United States Representative, Henry Hyde tirelessly served as a champion for children, both born and unborn, and relentlessly defended the rule of law;

Whereas Henry Hyde demonstrated his commitment to the rule of law during his tenure in the House of Representatives, once stating, "The rule of law is no pious aspiration from a civics textbook. The rule of law is what stands between us and the arbitrary exercise of power by the state. The rule of law is the safeguard of our liberties. The rule of law is what allows us to live our freedom in ways that honor the freedom of others while strengthening the common good. . . If across the river in Arlington Cemetery there are American heroes who died in defense of the rule of law, can we give less than the full measure of our devotion to that great cause?";

Whereas Henry Hyde was a key player in some of the highest level debates concerning the response to the terrorist attacks on our Nation on September 11, 2001;

Whereas Henry Hyde received the Presidential Medal of Freedom, the Nation's highest civilian honor, on November 5, 2007, at a ceremony at which President George W. Bush explained about Representative Hyde, "He used his persuasive powers for noble causes. He stood for a strong and purposeful America—confident in freedom's advance, and firm in freedom's defense. He stood for limited, accountable government, and the equality of every person before the law. He was a gallant champion of the weak and forgotten, and a fearless defender of life in all its seasons.";

Whereas Henry Hyde's greatest legacy is as the author, during his freshman term in the House of Representatives, of an amendment to the 1976 Departments of Labor and Health, Education, and Welfare Appropriations Act—commonly referred to as the Hyde Amendment—that prohibits Federal dollars from being used to pay for the abortion of unborn babies, which conservative figures estimate has saved at least 1,000,000 lives;

Whereas Henry Hyde lived by the belief that we will all be judged by our Creator in the end for our actions here on Earth, which he once explained on the floor of the House of Representatives by saying, "Our moment in history is marked by a mortal conflict between a culture of life and a culture of death. God put us in the world to do noble things, to love and to cherish our fellow human beings, not to destroy them. Today we must choose sides.";

Whereas Henry Hyde selflessly battled for the causes that formed the core of his beliefs until the end of his life, and was greatly respected by his friends and adversaries alike for his dedication and will remain a role model for advocates of those causes by virtue of his conviction, passion, wisdom, and character; and

Whereas Henry Hyde was preceded in death by his first wife, Jeanne, and his son Hank, and is survived by his second wife, Judy, his sons Robert and Anthony and daughter Laura, 3 stepchildren, Susan, Mitch, and Stephen, 7 grandchildren, and 7 step-grandchildren: Now, therefore, be it

*Resolved*, That the Senate—

(1) notes with deep sorrow the death of Henry John Hyde on November 29, 2007, in Chicago;

(2) extends its heartfelt sympathy to the family of Henry Hyde;

(3) recognizes the life of service and the outstanding contributions of Henry Hyde; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Henry Hyde.